

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 22, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL K.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:20-CV-00044-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 15, 16

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 16, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Rosemary Schurman represents Plaintiff. Attorney Sarah Martin

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 represents Defendant. The parties have consented to proceed before a magistrate
2 judge. ECF No. 7.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that the ALJ will:

- 9 (1) Reassess step three with the effects of substance abuse, and continue
10 with the sequential evaluation as necessary;
11 (2) If Plaintiff is found disabled with substance abuse, reassess step three
12 without the effects of substance abuse, and continue with the sequential
13 evaluation as necessary;
14 (3) Re-weigh all of the medical opinions;
15 (4) Weigh Plaintiff's allegations and provide specific reasons if discounting
16 them; and
17 (5) Offer Plaintiff the opportunity for a new hearing; and
18 (6) Issue a new decision.

19 ECF No. 16 at 1-2.

20 3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 15**, is **STRICKEN**
AS MOOT.

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1 5. Upon proper presentation, this Court consider Plaintiff's application for
2 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter**
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED June 22, 2020.

6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES MAGISTRATE JUDGE
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